

ERIC HAFNER
354 DOREMUS AVE
NEWARK NJ 07105

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW ~~JERSEY~~ YORK
~~NEWARK~~ MANHATTAN

Civil Action No. _____

SDNY

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ERIC HAFNER

Plaintiff

vs.

**SENATOR ROBERT
MENENDEZ**

Defendants

COMPLAINT FOR
VIOLATIONS OF RICO
(18 U.S.C. § 1961)

DEMAND
FOR
JURY TRIAL

**RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
ACT (RICO) COMPLAINT UNDER 18 U.S.C. § 1961**

Plaintiff, ERIC HAFNER, alleges as follows:

JURISDICTION AND VENUE

1. This action is brought pursuant to the provisions of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961 et seq. This court has subject matter jurisdiction under 28 U.S.C. § 1331 and 18 U.S.C. § 1964.

2. Venue is proper in this district pursuant to 28 U.S.C. 1391(b)(2) in that all defendants reside in this district, ~~and~~^{or} this is the district in which a substantial part of the events or omissions giving rise to the claim occurred.

PARTIES

3. Plaintiff **ERIC HAFNER** is a U.S. citizen, and New Jersey Democratic Party registered voter, at 354 Doremus Ave, Newark NJ 07105-4882. **ERIC HAFNER** has ran for U.S. Congress as a Democratic Party candidate, and has worked for other local, state, and federal Democratic Party political candidates across the United States.

4. Defendant **ROBERT MENENDEZ** is a resident of Hudson County, New Jersey, and elected official as a United States Senator for the State of New Jersey. Senator **ROBERT MENENDEZ** maintains an office in the United States Senate Office Building, The Capitol, Washington DC 20530.

FACTS

7. **ROBERT MENENDEZ** is an elected United States Senator who represents New Jersey.

8. **ROBERT MENENDEZ** up until his criminal indictment, was the

chairman of the powerful United States Senate Foreign Relations Committee.

9. **ROBERT MENENDEZ**, instead of serving the people of the United States of America, and State of New Jersey, acted as a secret foreign agent for the foreign Government of Egypt.

10. **ROBERT MENENDEZ** repeatedly on dates including 2021, 2023, and 2023, received cash and precious metals worth millions in exchange for his official acts as a U.S. Senator, on behalf of the Government of Egypt, in violation of 18 U.S.C. § 201.

RICO VIOLATION

17. Over a period of years, **ROBERT MENENDEZ**, his wife Nadine Menendez, and others known and unknown conspired to receive these bribes from the Government of Egypt, and in fact received these bribes, items of value, including cash in violation of 18 U.S.C.

201. This association-in-fact meets the requirements for a

RICO enterprise within the meaning of 18 U.S.C. § 1961(4). See Boyle v. United States, 556 U.S. 938, 948-949, 129 S. Ct. 2237, 173 L. Ed. 2d 1265 (2009).

18. The fraudulent misrepresentations and corrupt acts set forth above represented a scheme to induce the United States Senate seat held by **ROBERT MENENDEZ** to be improperly controlled by the Government of Egypt, despite being a foreign government, and to thus defraud the people of New Jersey of their elected representation. Defendants scheme was facilitated by their use of the United States Mail, resulting in mail fraud within the meaning of 18 U.S.C. 1341; wire fraud with the meaning of 18 U.S.C. § 1343; fraud within the meaning of 18 U.S.C. § 1341; honest services fraud within the meaning of 18 U.S.C. § 1346. **ROBERT MENENDEZ**, his wife Nadine Menendez, and others known and unknown committed bribery, mail and wire fraud to deprive New Jersey voters and citizens of their intangible right to the defendants' honest services, in violation of 18 U.S.C. §§ 1341, 1343, and 1346.

19. The misrepresentations involved in the mail fraud were made to,

and relied on, by the United States Senate and other parties receiving them, and by voters such as plaintiff. However, as the United States Supreme Court has clearly held, a plaintiff is not required to establish that it was the plaintiff who relied on the fraud, as long as the complained-of injuries are by reason of, that is, proximately caused by, defendants actions. See *Bridge v. Phoenix Bond & Indem. Co.*, 553 U.S. 639, , 128 S. Ct. 2131 or , 170 L. Ed 2d 1012 (2008).

20. Mail fraud constitutes racketeering activity as that term is defined in 18 U.S.C. § 1961(1)(B). The mail fraud satisfies the requirements for a RICO predicate act and for a nexus with interstate commerce.

21. Defendants multiple fraudulent misrepresentations and bribes as detailed above constitute a pattern of racketeering activity within the meaning of 18 U.S.C. § 1961(5).

22. Defendants have conducted and have conspired to conduct the affairs of the RICO enterprise through a pattern of racketeering

activity in violation of 18 U.S.C. § 1962(c), (d).

23. Here, as a direct and proximate result of defendant's actions, Plaintiff was deprived of his right to honest government, and as a Democratic Party voter, and federal candidate as a Democrat, has had his ability to be elected tarnished by the crimes committed by **ROBERT MENENDEZ** and Nadine Menendez. Thus, as a direct and proximate result of defendants RICO violations, plaintiff was injured in its business and property in violation of 18 U.S.C. § 1962(c), (d).

24. Plaintiff has suffered actual damages of at least \$100,000,000 based on the value of the honest government services and lack of taint to Democratic Party candidates such as himself and otherwise candidates who would employ plaintiff would otherwise have received in salary, support and donations.

25. Defendants are liable to plaintiff for treble damages, together with all costs of this action plus reasonable attorneys fees, as provided under 18 U.S.C. § 1964(c).

REQUEST FOR RELIEF

Plaintiff requests relief, as follows:

- A. That plaintiff be granted judgment against defendants in the total amount of all damages suffered by it as a result of defendants wrongful acts;
- B. That plaintiff be granted judgment against defendants for treble damages suffered by reason of injury to his business and property as a result of defendants violations of 18 U.S.C. § 1962(c).
- C. That plaintiff be granted judgment against defendants for all costs of this action, including reasonable attorneys fees; and
- D. That this court grant plaintiff any other relief that it considers just and appropriate under the circumstances.

Eric Hafner

Dated: October 30, 2023

**ERIC HAFNER
354 DOREMUS AVE
NEWARK NJ 07105**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ERIC HAFNER

(b) County of Residence of First Listed Plaintiff

ESSEX

(EXCEPT IN U.S. PLAINTIFF CASES)

ESSEX COUNTY JAIL

(c) Attorneys (Firm Name, Address, and Telephone Number)

ERIC HAFNER, 354 DOREMUS
AVE, NEWARK NJ 07105

DEFENDANTS

SENATOR ROBERT MENENDEZ

County of Residence of First Listed Defendant

HUDSON (NJ)

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question
(U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

PTF ☐ 1DEF ☐ 1

Incorporated or Principal Place of Business In This State

PTF ☐ 4DEF ☐ 4

Citizen of Another State

☐ 2☐ 2

Incorporated and Principal Place of Business In Another State

☐ 5☐ 5

Citizen or Subject of a Foreign Country

☐ 3☐ 3

Foreign Nation

☐ 6☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSJD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

18 USC § 1961

Brief description of cause:

RICO CIVIL ACTION

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DOCKET NUMBER

DATE

10/30/23

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

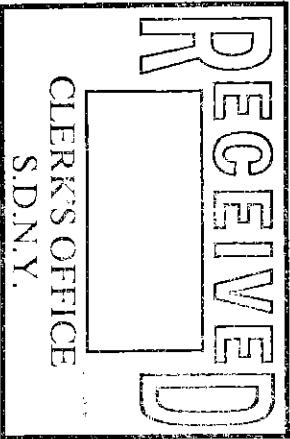
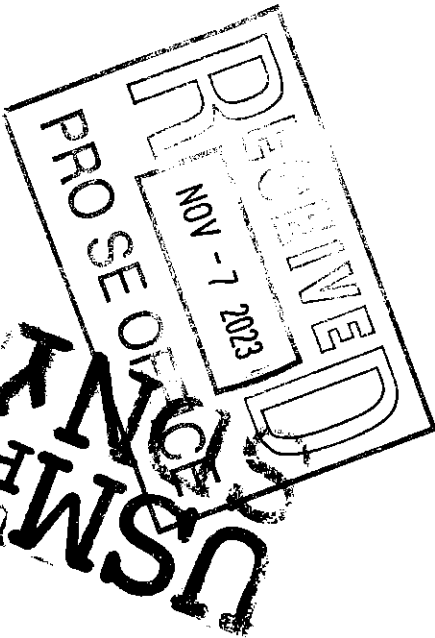
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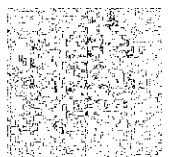
U.S. DISTRICT
COURT

CLERK OF THE
COURT

500 PEARL

NYC 10005

FIRST-CLASS



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